

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDRE SMITH, T-16447,	)	
	)	
Petitioner,	)	No. C 12-4011 CRB (PR)
	)	
vs.	)	ORDER DENYING
	)	CERTIFICATE OF
GREG LEWIS, Warden,	)	APPEALABILITY
	)	
Respondent.	)	

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Petitioner has filed a notice of appeal and request for a certificate of appealability under 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b).

Petitioner's request for a certificate of appealability is DENIED because petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Petitioner has not demonstrated that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000).]

The clerk shall forward to the court of appeals the case file with this order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

SO ORDERED.

DATED: Oct. 8, 2013

  
CHARLES R. BREYER  
United States District Judge